



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,367	04/12/2001	Mary Vijayarani Barnabas	7822	7245

27752 7590 09/09/2004

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER

BOYER, CHARLES I

ART UNIT	PAPER NUMBER
----------	--------------

1751

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,367

Applicant(s)

BARNABAS ET AL.

Examiner

Charles I. Boyer

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6,8-44,47-54,56-70,73-93,95 and 96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,8-44,47-54,56-70,73-93,95 and 96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 1751

DETAILED ACTION

This action is responsive to applicants' amendment and response received June 1, 2004. Claims 1, 2, 5, 6, 8-44, 47-54, 56-70, 73-93, 95, and 96 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1 and 70 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2,131,387.

JP 2131387 teaches a cleaner comprising polysaccharides having as the principle chain beta-1,3-glucan wherein the compositions may be used to clean cloth (see abstract). The polysaccharides of the invention are present in an amount of from 0.01 to 5% of the composition (page 2, paragraph 22 of translation) and an example of

Art Unit: 1751

such a cleaning composition comprises polysaccharide, alkylbenzene sulfonate, ethanol, urea, and water (page 3, paragraph 36 of translation). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicants have traversed this rejection, and all rejections on the grounds that the reference does not teach a perfume. It is well established in the art that compositions having a pleasing odor are more desirable to the consumer. Accordingly, the examiner maintains, and applicants are doubtless aware, that virtually every detergent composition in existence, and certainly 99.99% of all fabric care detergents, inherently possess a pleasing fragrance, most often imparted by a perfume. The examiner maintains that the compositions of the references used to reject the claims at hand, whether explicitly mentioned or not, all possess a pleasing odor, i.e. a perfume. Accordingly, the rejection is maintained.

3. Claims 1, 44, and 70 are rejected under 35 U.S.C. 102(a) as being anticipated by Hamaya et al, US 5,885,306.

Hamaya et al teach a method for preventing redeposition of dyes on fabrics (see abstract). The compositions contain polymers such as arabinogalactan and curdian (col. 10, claim 11). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Art Unit: 1751

4. Claims 1, 4, 44, and 70 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 6,184,943.

JP 6184943 teaches an antistatic sizing agent for fiber comprising a cationized pullulan (see abstract). An example of such a sizing composition comprises 5% cationized pullulan, 0.5% ethoxylated alcohol, and 0.4% cationic surfactant (page 5, paragraph 39 of translation). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Kalum, US 5,914,443.

Kalum teaches a method for manufacturing a fabric with a stone-washed appearance by using a xyloglucan polymer (see abstract). The polymer solution has a concentration of from 0.05 to 50% w/v (col. 3, lines 41-45). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

Art Unit: 1751

subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 5, 6, 8-44, 47-54, 56-70, 73-93, 95, and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mak et al, US 6,290,978.

Mak et al teach derivatized arabinogalactan in a variety of compositions to impart functionality (see abstract). Hair care compositions of the invention include conditioners, softeners, and silicone solvents (col. 13, line 53-col. 17, line 40). These derivatized arabinogalactans may be used in fabric softeners (col. 9, line 62) and the compositions are taught for a variety of uses, including a coating, formulation aid, or processing aid (col. 3, lines 50-58). Accordingly, it would have been obvious to one of ordinary skill in the art to incorporate the compositions of Mak et al in a fabric conditioner or cleaner. With respect to claims which include a spray dispenser, such a method of delivery is an obvious design choice to one of ordinary skill in the art. As to applicants' specific proportions, selection of the appropriate amounts would have been prima facie obvious because where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation, *In re Aller*, 220 F.2d 454, 105 USPQ 233, 235 (CCPA 1955).

Conclusion

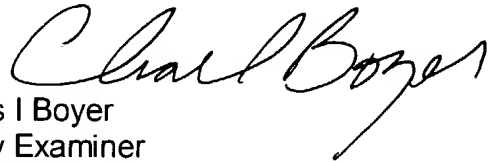
1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles I Boyer
Primary Examiner
Art Unit 1751